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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/272,471	03/19/1999	PETAR RISTANOVIC	98-P-7523-US	5690

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/272,471

Applicant(s)

RISTANOVIC ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/06/03.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claim Rejection under 35 U.S.C. 112, second paragraph is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 6,047,274).**

Johnson et al. teach a method and system for energy supply bidding, comprising:

**As per claims 1, 4-5, 10, 13 and 15,**

a market user interface, the market user interface exchanging market information with a plurality of market participants (column 5, lines 26-44; column 13, lines 24-52);

an energy scheduling apparatus (Moderator), the energy scheduling apparatus scheduling generation and delivery of energy among market participants in accordance with the market information and in accordance with information relating to the energy generation and delivery system (column 3, line 59 – column 4, line 4; column 11, lines 26-29; column 12, lines 26-29; column 15, lines 53-64; column 16, lines 47-58).

Johnson et al. do not specifically teach that the energy scheduling apparatus includes an energy scheduling subsystem.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson et al. to include that the energy scheduling apparatus includes an energy scheduling subsystem, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Johnson et al. would perform the invention as claimed by the applicant either with specifically mentioning the energy scheduling subsystem, or not.

**As per claims 2, 17 and 19,**

a unit commitment function, the unit commitment function selecting energy generating units for operation in the energy generation and delivery system (column 13, lines 42-47; column 15, lines 28-32; column 16, lines 47-58);

an action rules function for ensuring volume and delivery commitments, the action rules function analyzing the energy generation and delivery system under one or more contingency conditions and with the energy generation units selected for operation (column 15, lines 32-40);

an optimal power flow function, the optimal power flow function determining a configuration of the energy generation and delivery system so as to operate in a secure mode under none and each one of the contingency conditions (column 16, lines 53-56).

Johnson et al. do not specifically teach that the action rules function for ensuring volume and delivery commitments, which analyzes the energy generation and delivery system under one or more contingency conditions and with the energy generation units selected for operation, includes a security analysis function.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson et al. to include that the action rules function for ensuring volume and delivery commitments includes a security analysis function for analyzing the energy generation and delivery system under one or more contingency conditions and with the energy generation units selected for operation, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Johnson et al. would perform the invention as claimed by the applicant with either specifically mentioning the security analysis function, or not.

**As per claims 3 and 7-8**, said method and system, wherein the energy scheduling subsystem schedules generation and delivery of energy at least one of a day in advance and an hour in advance (column 3, line 50 – column 5, line 5).

**As per claims 6, 14 and 18**, Johnson et al. teach said method and system, wherein the information relating to the energy generation and delivery system is used for optimization of energy generation and delivery (column 16, lines 53-56).

However, Johnson et al. do not specifically teach that optimization of energy generation and delivery includes providing a model.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson et al. to include that optimization of energy generation and delivery includes providing a model, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the

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teachings of Johnson et al. would perform the invention as claimed by the applicant with either specifying a model for said optimisation, or not.

**As per claim 11**, Johnson et al. teach said method and system, comprising:

a case setup function, the case setup function setting up a market case in accordance with the market information (column 4, line 41 – column 5, line 5);

a feasibility test function, the feasibility test function testing the feasibility of the market case and determining auction results in accordance with information relating to the energy generation and delivery system (column 4, line 41 – column 5, line 5);

a post-processing function, the post-processing function providing the auction results to the market participants (column 4, line 41 – column 5, line 5).

**As per claims 12 and 16**, said method and system, wherein the feasibility test function includes: a security analysis function, the security analysis function analyzing the energy generation and delivery system under one or more contingency conditions and in accordance with the market case; an optimal power flow function, the optimal power flow function determining a configuration of the energy generation and delivery system so as to operate in a secure mode under none and each one of the contingency conditions; and an energy rights pricing function, the energy rights pricing function determining prices for the energy transmission rights to be exchanged in accordance with the auction results (column 3, line 50 – column 5, line 5; column 15, lines 32-40; column 16, lines 53-56).

**As per claim 20**, said method and system, including an energy pricing function for determining locational prices for the energy to be delivered (column 13, lines 7-13).

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Takriti (US 6,021,402).**

**As per claim 9**, Johnson et al. teach all the limitations of claim 9, except that an input to the optimal power flow function includes a ramping constraint of a power generation unit.

Takriti teaches risk management method and system for electric utilities wherein ramping rates are considered in optimization of scheduling the generating units of electric utilities (column 19, lines 45-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson et al. to include that an input to the optimal power flow function includes a ramping constraint of a power generation unit, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Johnson et al. would perform the invention as claimed by the applicant with either including a ramping constraint of a power generation unit, or not.

### ***Response to Arguments***

Applicant's arguments filed 10/06/03 have been fully considered but they are not persuasive.

In response to applicant's argument that Johnson et al. fail to disclose "energy scheduling" function, examiner points out that Johnson et al. specifically teach this feature (See: column 3, line 59 – column 4, line 4; column 11, lines 26-29; column 12, lines 26-29; column 15, lines 53-64; column 16, lines 47-58 and discussion above).

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In response to applicant's argument that Johnson et al. fail to disclose "contingency conditions", examiner stipulates that Johnson et al. does, in fact, show this feature (See: column 16, lines 53-56 and discussion above).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***


***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IR

  
**JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**